



Reprinted
January 31, 2014

HOUSE BILL No. 1097

DIGEST OF HB 1097 (Updated January 30, 2014 1:07 pm - DI 106)

Citations Affected: IC 34-30.

Synopsis: Immunity for providing volunteer health care. Grants a person licensed to provide health care services immunity from liability for an act or omission relating to the provision of health care if: (1) the care was within the scope of the person's license; (2) the care was provided voluntarily and without compensation; (3) the person providing the care provides notice regarding liability; and (4) the person providing the care applies the appropriate standard of care. Specifies that the immunity: (1) is available even if the health care services are provided in a setting other than a medical clinic, health care facility, or permanent facility whose primary purpose is the provision of health care services; and (2) is not available if the person committed gross negligence or willful or wanton misconduct.

Effective: July 1, 2014.

Frizzell, Zent, Koch, Hale

January 9, 2014, read first time and referred to Committee on Judiciary.
January 28, 2014, amended, reported — Do Pass.
January 30, 2014, read second time, amended, ordered engrossed.

HB 1097—LS 6986/DI 106



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Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1097

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 34-30-13-3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2014]: **Sec. 3. (a) Except as provided in subsection (b), a person**
4 **who meets the following criteria is immune from civil liability**
5 **resulting from an act or omission relating to the provision of health**
6 **care services:**
7 (1) The person is licensed to provide health care services
8 under Indiana law.
9 (2) The person voluntarily and without compensation
10 provides health care services to another person within the
11 scope of the person's license.
12 (3) The person provides the person:
13 (A) receiving health care services; or
14 (B) responsible for the care of the person receiving health
15 care services;
16 prior to the rendering of health care services, notice that the

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1 person who provides voluntary health care services is not
2 liable for any act or omission, unless the act or omission is the
3 result of gross negligence or willful or wanton misconduct,
4 related to the provision of health care services described in
5 this section.

6 (4) The person applies the established standard of care in the
7 health care provider's profession when providing health care
8 services under this section.

9 (b) The immunity provided in subsection (a) does not apply if
10 the act or omission relating to the provision of health care services
11 was the result of gross negligence or willful or wanton misconduct.

12 (c) The immunity provided by this section applies to health care
13 services that are provided in a setting other than in a physician's
14 office, health care facility, or any permanent facility whose
15 primary purpose is the provision of health care services.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1097, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 11 and 12, begin a new line block indented and insert:

"(3) The person provides the person:

(A) receiving health care services; or

(B) responsible for the care of the person receiving health care services;

prior to the rendering of health care services, notice that the person who provides voluntary health care services is not liable for any act or omission, unless the act or omission is the result of gross negligence or willful or wanton misconduct, related to the provision of health care services described in this section."

and when so amended that said bill do pass.

(Reference is to HB 1097 as introduced.)

WASHBURN, Chair

Committee Vote: yeas 5, nays 4.



HOUSE MOTION

Mr. Speaker: I move that House Bill 1097 be amended to read as follows:

Page 2, between lines 5 and 6, begin a new line block indented and insert:

"(4) The person applies the established standard of care in the health care provider's profession when providing health care services under this section."

Page 2, line 9, delete "even if the" and insert "to".

Page 2, line 10, after "services" insert "**that**".

Page 2, line 11, delete "medial clinic or" and insert "**physician's office,**".

Page 2, line 11, delete "." and insert "**, or any permanent facility whose primary purpose is the provision of health care services.**".

(Reference is to HB 1097 as printed January 28, 2014.)

KOCH

